

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

Ricardo Sibrian, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

Cento Fine Foods, Inc.,

Defendant.

Case No. 2:19-cv-00974-JS-GRB

**NOTICE OF MOTION AND MOTION TO DISMISS, OR IN THE ALTERNATIVE,  
STRIKE PORTIONS OF PLAINTIFFS' FIRST AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law, the Declarations of Patrick M. Ciccotelli and Daniel S. Tyler (and exhibits attached thereto), and all other papers and proceedings in this action, Defendant Cento Fine Foods, Inc. ("Cento" or "Defendant"), by its undersigned counsel, will move this Court, before the Honorable Joanna Seybert, United States District Judge, at the Long Island Courthouse of the U.S. District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, on a date and at a time to be determined by the Court, for an entry of an order dismissing Plaintiffs' First Amended Complaint in its entirety pursuant to rules 12(b)(6), 12(b)(2), and 12(b)(1) of Federal Rules of Civil Procedure, with prejudice, and awarding Cento such other and further relief as the Court deems just and proper.

In addition, pursuant to Rule 12(f), Cento requests that the Court strike as immaterial and scandalous all averments by which Plaintiffs seek to base their claims on an Italian legal proceeding against entirely different individuals arising from acts that took place in 2010. (Dkt. No. 14 ("Amended Complaint"), ¶¶ 134-147, 221-227; Exhibits "H" through "N").

This 8th day of November, 2019.

By: /s/ Daniel S. Tyler  
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*Attorneys for Defendant,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2019, the foregoing document was filed with the Clerk of the Court and served in accordance with the Eastern District's Rules on Electronic Service upon the following:

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By: /s/ Daniel S. Tyler  
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